

Charles Capetanakis (CC 1120)  
Davidoff Malito & Hutcher LLP  
605 Third Avenue  
New York, New York 10158  
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(212) 286-1884 (Facsimilie)  
*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**OGNIBENE, et al.,**

**Plaintiffs,**

**-against-**

**SCHWARZ, et al.,**

**Defendants.**

**08 CV 01335**

**cv**

**JUDGE SWAN**

**MOTION TO ADMIT COUNSEL PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, I, Charles Capetanakis, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

James Bopp, Jr. (JB 0781)  
BOPP, COLESON & BOSTROM  
1 South Sixth Street  
Terre Haute, IN 47807-3510  
812/232-2434 telephone  
812/234-3685 facsimile

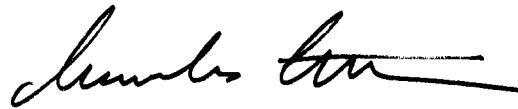
Joe La Rue (JL 2423)  
BOPP, COLESON & BOSTROM  
1 South Sixth Street  
Terre Haute, IN 47807-3510  
812/232-2434 telephone  
812/234-3685 facsimile

JAMES BOPP, JR. is a member in good standing of the Bar of the State of Indiana. JOE LA RUE is a member in good standing of the Bar of the State of Ohio.

There are no pending disciplinary proceedings against JAMES BOPP, JR. or JOE LA RUE in any State or Federal Court.

Dated: February 11, 2008  
New York, New York.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles Capetanakis", written over a horizontal line.

Charles Capetanakis (CC 1120)  
DAVIDOFF MALITO & HUTCHER LLP  
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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**OGNIBENE, et al.,**

**Plaintiffs,**

08 cv 01335 (LTS)

**-against-**

**SCHWARZ, et al.,**

**Defendants.**

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**AFFIDAVIT OF CHARLES CAPETANAKIS  
IN SUPPORT OF MOTION TO ADMIT COUNSEL PRO HAC VICE**

STATE OF NEW YORK            )  
  )       ss:  
COUNTY OF NEW YORK        )

Charles Capetanakis, being duly sworn, hereby deposes and says as follows:

1. I am a partner at Davidoff Malito & Hutcher LLP, counsel for Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiffs' motion to admit James Bopp, Jr. and Joe La Rue as counsel pro hac vice to represent Plaintiffs in this matter.
2. I am a member in good standing of the bar of the State of New York. I was

admitted to practice law on May 16, 1990 before the New York State Supreme Court, Appellate Division Second Department. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I recently became acquainted with Mr. Bopp and Mr. La Rue as a result of their acquaintance with a partner in my firm. I have spoken with them numerous times and have interviewed them sufficiently to be able to attest for them.
4. Mr. Bopp is lead counsel of Bopp, Coleson, & Bostrom in Terre Haute, Indiana. He has a national practice involving constitutional law. He has extensive experience handling cases relating to election law issues. He has tried cases and handled appeals in numerous courts around the country, including the United States Supreme Court. He also has experience handling class action litigation.
5. Mr. La Rue is an associate of Mr. Bopp's. While not as experienced as Mr. Bopp, he works directly under Mr. Bopp's supervision.
6. As I have interviewed Mr. Bopp and Mr. La Rue, I have found them to be skilled attorneys and persons of integrity. They are experienced in Federal practice and familiar with the Federal Rules of Procedure. Annexed hereto are their respective Certificates of Good Standing.
7. Accordingly, I am pleased to move the admission of James Bopp, Jr. and Joe La Rue, pro hac vice.
8. I respectfully submit a proposed order granting the admission of James Bopp, Jr. and Joe La Rue, pro hac vice, which is attached hereto.

WHEREFORE it is respectfully requested that the motion to admit James Bopp, Jr. and Joe La Rue, pro hac vice, to represent Plaintiffs in the above captioned matter, be granted.



Charles Capetanakis

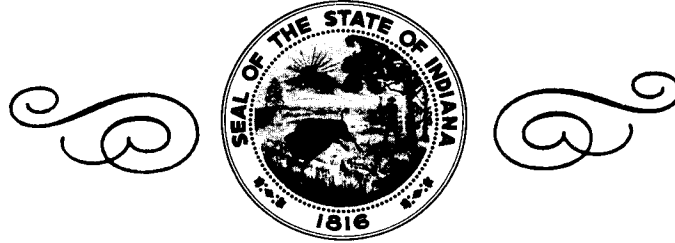
Sworn to before me this  
11<sup>th</sup> day of February 2008



Notary Public

O I S I L O  
Notary Public, State of New York  
No. 01LO5034923  
Qualified in Kings County  
Commission Expires October 24, 20 10

# SUPREME COURT OF THE STATE OF INDIANA



## *Certification*

STATE OF INDIANA, SS:

I, Kevin S. Smith, Clerk of the Supreme Court  
of Indiana, do hereby certify that

JAMES BOPP JR

is a member of the bar of said Court since admission on  
OCTOBER 10th 1973, and is in good  
standing therein.

GIVEN under my hand and the seal of said Court at Indianapolis,  
Indiana, this 31st day of JANUARY, 20 08.

\_\_\_\_\_  
KEVIN S. SMITH  
CLERK, SUPREME COURT OF INDIANA

# The Supreme Court of Ohio

## C E R T I F I C A T E

I, SUSAN B. CHRISTOFF, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

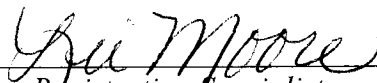
Joseph Eugene LaRue

was admitted to the practice of law in Ohio on November 06, 2006; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 29th day of January, 2008.

SUSAN B. CHRISTOFF

*Director, Attorney Services Division*

  
Gai Moore  
*Attorney Registration Specialist*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**OGNIBENE, *et al.*,**

**Plaintiffs,**

**-against-**

**SCHWARZ, *et al.*,**

**Defendants.**

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08 cv 01335 (LTS)

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of Charles Capetanakis, attorney for Tom Ognibene *et al.*, and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED THAT**

James Bopp, Jr. (JB 0781)  
BOPP, COLESON & BOSTROM  
1 South Sixth Street  
Terre Haute, IN 47807-3510  
812/232-2434 telephone  
812/234-3685 facsimile

Joe La Rue (JL 2423)  
BOPP, COLESON & BOSTROM  
1 South Sixth Street  
Terre Haute, IN 47807-3510  
812/232-2434 telephone

are admitted to practice pro hac vice as counsel for Tom Ognibene *et al.* in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward



the pro hac vice fee to the Clerk of Court.

Dated: February 11, 2008

New York, New York

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United States District/Magistrate Judge

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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**TOM OGNIBENE, YVETTE VELAZQUEZ  
BENNETT, VIVIANA VAZQUEZ-HERNANDEZ,  
ROBERT PEREZ, FRAN REITER, SHEILA  
ANDERSEN-RICCI, MARTINA FRANCA  
ASSOCIATES, LLC, REITER/BEGUN  
ASSOCIATES, LLC, DENIS GITTENS,  
OSCAR PEREZ, MICHELE RUSSO, THE KINGS  
COUNTY COMMITTEE OF THE NEW YORK  
STATE CONSERVATIVE PARTY, and THE NEW  
YORK STATE CONSERVATIVE PARTY,**

**08 cv 01335 (LTS)**

**AFFIDAVIT OF SERVICE**

*Plaintiffs,*

**-against-**

**FREDERICK A.O. SCHWARZ, Jr.,** in his official capacity as Chairman of New York City's Campaign Finance Board; **DALE C. CHRISTENSEN, Jr., JOSEPH P. PARKES, S.J., KATHERYN C. PATTERSON, and MARK S. PIAZZA,** in their official capacities as Members of New York City's Campaign Finance Board; **MARK DAVIES,** in his official capacity as Executive Director of the New York City Conflicts of Interest Board; **MONICA BLUM, STEVEN ROSENFELD, ANDREW IRVING, and ANGELA M. FREYRE,** in their official capacity as Members of New York City's Board of Conflicts of Interest; and **MICHAEL MCSWEENEY,** in his official capacity as Acting City Clerk of New York City,

*Defendants.*

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STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NEW YORK    )

CARMELO ARTEAGA, being duly sworn, deposes and says, that:

1. I am not a party to this action, am over 18 years of age, and reside in New York, New York.

2. On February 12, 2008, at approximately 12:26 P.M., I served the Motion To Admit Counsel Pro Hac Vice upon defendants in this matter, FREDERICK A.O. SCHWARZ, Jr., DALE C. CHRISTENSEN, Jr., JOSEPH P. PARKES, S.J., KATHERYN C. PATTERSON, and MARK S. PIAZZA, at their office, c/o New York City's Campaign Finance Board; located at 40 Rector Street, 7<sup>th</sup> Floor, New York, New York 10006, by personally delivering and leaving five (5) copies of same with Chris Oldenburg, an attorney in said office, who represented to me that he was authorized to accept service and was a person of suitable age and discretion.


3. I hereby describe Mr. Oldenburg to the best of my ability at the time and circumstance of my service: male, Caucasian, brown eyes, brown hair, with glasses, approximately 38 - 45 years of age, approximately 6'1" tall, and 180-190 lbs.

4. On February 12, 2008, at approximately 1:09 P.M., I served the Motion To Admit Counsel Pro Hac Vice upon defendants in this matter, MARK DAVIES, MONICA BLUM, STEVEN ROSENFELD, ANDREW IRVING, and ANGELA M. FREYRE, at their office, c/o New York City's Board of Conflicts of Interest, located at 2 Lafayette Street, Suite 1010, New York, New York 10007, by personally delivering and leaving five (5) copies of same with Veronica Garcia, a secretary in said office, who represented to me that she was authorized to accept service and was a person of suitable age and discretion.

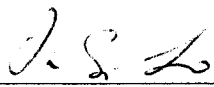
5. I hereby describe Ms. Garcia to the best of my ability at the time and circumstance of my service: female, Hispanic, light brown hair, approximately 35 - 40 years of age, approximately 5'16" tall, and 150-160 lbs.

6. On February 12, 2008, at approximately 12:55 P.M., I served the Motion To Admit Counsel Pro Hac Vice upon defendant in this matter, MICHAEL MCSWEENEY, at his office, c/o City Clerk of New York City, located at 1 Centre Street, 2<sup>nd</sup> Floor, New York, New York 10007, by personally delivering and leaving a copy of same with Jose Gonzalez, the chief of staff in said office, who represented to me that he was authorized to accept service and was a person of suitable age and discretion.

7. I hereby describe Mr. Gonzalez to the best of my ability at the time and circumstance of my service: male, Hispanic, brown hair, approximately 30 - 35 years of age, approximately 6'2" tall, and 200-210 lbs.

  
Carmelo Arteaga  
License No. 1095355

Sworn to before me this  
13<sup>th</sup> day of February, 2008

  
\_\_\_\_\_  
Notary Public

O/S I LO  
Notary Public, State of New York  
No. 01LO5034923  
Qualified in Kings County  
Commission Expires October 24, 20 10